

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
v.	:	CRIMINAL NO. 22-cr-118
MAHMOUD ALI AHMED RASHWAN	:	

ORDER

AND NOW, this _____ day of September 2022, upon consideration of the government's motion to file an out-of-time response to Defendant's Motion for Pre-Trial Release (DE 57) and Memorandum in Support thereof (DE 59), it is hereby ORDERED that the government's motion is **DENIED** and hereby stricken for being untimely.

HONORABLE JEFFREY L. SCHMEHL
United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :

v. : **CRIMINAL NO. 22-cr-118**

MAHMOUD ALI AHMED RASHWAN :

RESPONSE IN OPPOSITION RE MOTION FOR LEAVE TO FILE OUT-OF-TIME

RESPONSE TO MOTION FOR RELEASE (ECF 68)

The defendant hereby moves to strike the federal prosecutor(s) filing as untimely, specifically:

- 1) Federal Prosecutor's Response in Opposition ECF No. 68, re Motion for release from Custody (ECF No. 57 and 59).

On August 24th, 2022, through counsel, Defendant Rashwan filed a Motion to Suppress Evidence obtained from an Unlawful Arrest (ECF 55) and a Motion to Dismiss on grounds of Selective Enforcement and Abuse of Process (ECF 56). In addition, a Motion for Release (ECF 57) was filed on August 24th, and Memorandum Pre-trial Release (ECF 59). This made the deadline for the government's response Wednesday, August 31st, 2022, seven days later, AND Friday, September 2nd, 2022. See Local Criminal Rules for the Eastern District 12.1. The government asked for an additional two weeks, and the court granted ten days making the new deadline Friday, September 9th, 2022. The government has now filed its response on Monday, September 12th, 2022, three days after the new deadline without seeking leave of the court to file its response. This is defined as untimely in violation of Local Rule 12.1, and it should be

stricken.¹

The federal prosecutor(s) are part of the Criminal Division of the Eastern District of Pennsylvania, with ninety-three (93) Assistant United States Attorneys (AUSAs), fifty-one (51) special assistant Special Assistant U.S. Attorneys, and is currently staffed with one-hundred-five (105) non-attorney positions.² To claim that counsel failed to seek permission from the court ahead of time due to, "...other cases and investigations" and other work (ECF 66 p.1), is insufficient for showing good cause for being precluded from the Federal Rule of Criminal Procedures.

Therefore, the defendant request that the motion to file response out-of-time is denied and that the Reply in Opposition to the Motion for Release is stricken.

¹ On May 27th, 2022, through counsel, Defendant Rashwan filed an Amended Motion to Dismiss, which made the deadline for the government's response June 3rd, 2022, seven days later (Local Criminal Rules Eastern District 12.1). On June 8th, 2022, five days **after** (emphasis added) the deadline, the government asked the court and counsel for a continuance, and was granted an additional two weeks, which made the new deadline June 22nd. The government then asked for second continuance request on June 24th, two days **after** (emphasis added) the deadline had passed. The defense objected to this second continuance request. The government filed its response on June 27th, five days after the new deadline, and twenty-two days after the original deadline. This Response was also untimely, and defense counsel requested that the reply be stricken. It was not granted.

² The United States Attorney's Office Eastern District of Pennsylvania. Divisions. <https://www.justice.gov/usao-edpa/divisions>. Retrieved September 12th, 2022

The defendant moves the Court to strike the responses in opposition (ECF No. 68).

Respectfully submitted,

Mahmoud Rashwan

MAHMOUD RASHWAN

Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by electronic filing upon: Jose Campos, Esquire [jc@jccamposlaw.com], Danielle S. Rosborough, AUSA [Danielle.Rosborough@usdoj.gov], Mary Fletcher, AUSA [Mary.Fletcher@usdoj.gov]

Mahmoud Rashwan

Mahmoud Rashwan
Defendant

Dated: September 13, 2022